STATE ARMOR

ELI AND COMMUNIST CHINA

How the Environmental Law Institute Threatens American Energy and Advances Chinese Interests

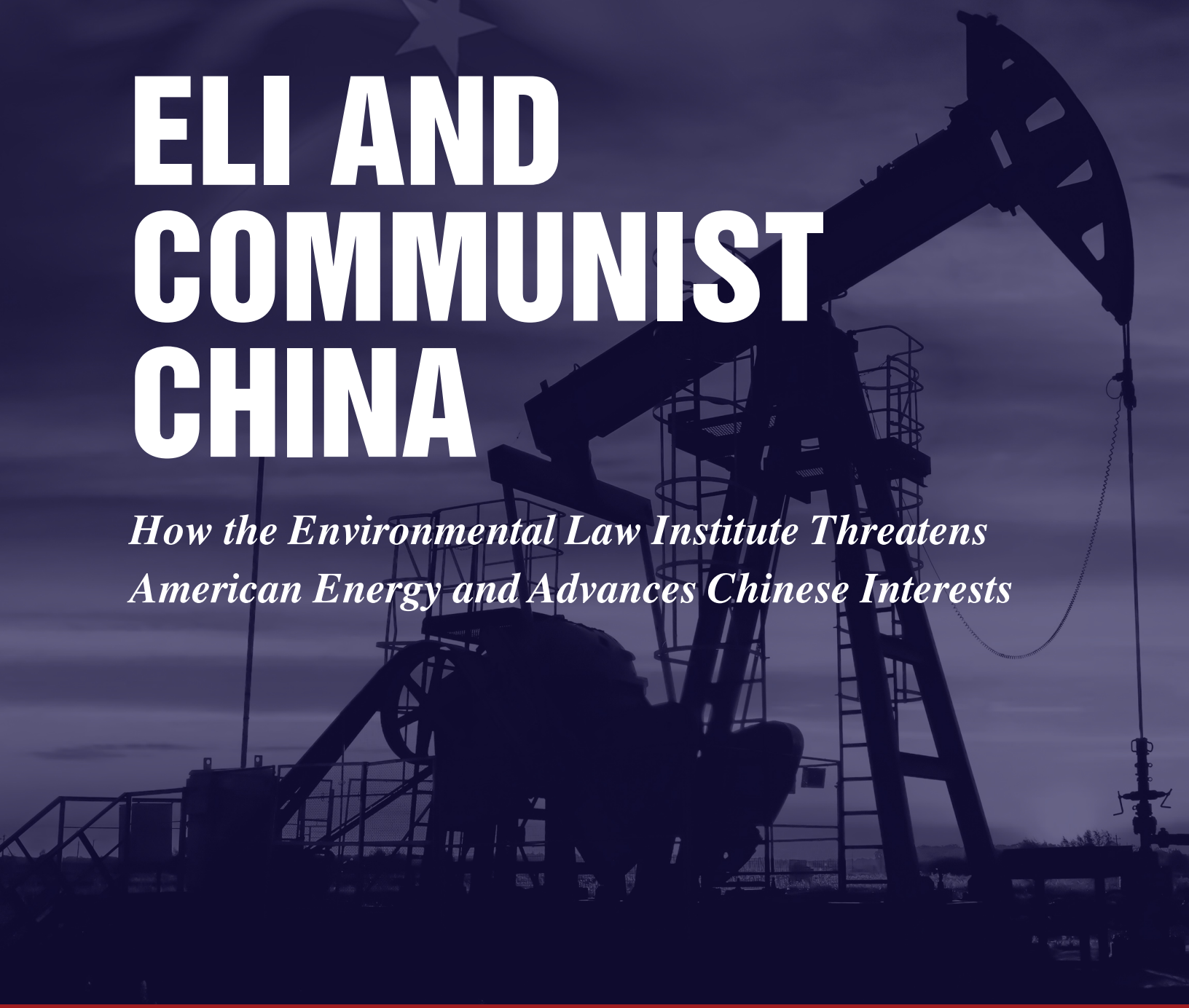


TABLE OF CONTENTS

Executive Summary	**3**
Background: ELI And The Climate Judiciary Project	**7**
ELI's Alliance With China	**11**
ELI's Partnerships With CCP-Linked Universities	**16**
ELI's Alliance Has Failed: No Reduced Chinese Emissions	**18**
ELI's Asymmetric Climate Strategy	**20**
The Legal Engine	**24**
The Funding Architecture For ELI's Climate Strategy: Foreign Aligned	**29**
A Cautionary Parallel: The Morens Indictment And ELI's Legal Exposure	**32**
Conclusion	**34**
Appendix	**36**

EXECUTIVE SUMMARY

In the high-stakes theater of global climate policy, a dangerous asymmetry has taken root, in which China has infiltrated U.S. institutions to harm our energy industry to its own benefit. The Environmental Law Institute (ELI) has been a key organization that has aligned with China's geopolitical agenda by attacking American energy resilience and providing valuable intelligence and coordination to Chinese entities about the development of climate policy across Western governments. For decades, ELI has positioned itself as the vanguard of international environmental cooperation, claiming a mission to foster innovative, just, and practical law and policy solutions across borders. ELI's operations, partnerships, and measurable results, however, tell a different story. Across three decades of engagement, ELI's work has uniformly advanced Chinese strategic and national security interests while undermining American national security by constraining domestic energy producers and industrial expansion. The Environmental Law Institute, like so many Western NGOs, has become an instrument of the Chinese Communist Party's soft power operations and "grey zone" political warfare—efforts taken by China to weaken, pressure, or influence America without triggering a military response, through economic pressure, cyber activity, influence campaigns, and other legally ambiguous tactics.

ELI has fallen prey to the illusion that American capitulation on climate policy will yield Chinese cooperation and policy compromise, and thus a mutually beneficial China-U.S. exchange. Instead, as a result, China achieves two strategic victories by enhancing its own development through Western know-how while diminishing America's energy and industrial resilience. ELI furthermore claims its China Program has driven progress on Chinese emissions. The data shows otherwise. China's annual CO_2 output has nearly quadrupled since ELI began its outreach, and China has made no new binding emissions commitments attributable to ELI's engagement. Moreover, the commitments that China and the United States have agreed to, and that ELI leadership has supported, create an enormous mismatch between the obligations of the two countries, with China at liberty to ramp up emissions while the United States ramps down. Such agreements further China's industrialization to America's detriment.

Its entanglement with a designated foreign adversary has deeply compromised ELI. In fact, ELI cultivates relationships with institutions actively working against American interests. This exposure is not merely theoretical. Under China's 2017 National Intelligence Law, all Chinese organizations and citizens are legally required to "support, assist, and cooperate" with state intelligence operations when called upon, and to keep that cooperation secret. By embedding itself within Chinese universities, ministries, and state-aligned law firms, ELI operates directly within a hostile intelligence environment that is on a mission to see U.S. energy predominance and industrial strength wane.

The jurisprudential frameworks ELI promotes to American judges disproportionately favor regulatory constraints on U.S. domestic energy production, with no commensurate frameworks within China's system. The integration of novel legal theories—chiefly climate "attribution science"—into the judicial mainstream presents an existential threat to American energy independence and industrial production.

One critical access point for ELI is its Climate Judiciary Project (CJP), a judicial "education program" that has trained more than 2,000 U.S. judges on climate science and law specifically positioned as "relevant to current and future litigation." CJP, however, does not offer neutral educational materials to judges, but instead provides heavily biased materials that favor liability against energy companies as a means to regulate energy through litigation. Indeed, CJP provides materials and presentations drafted and funded by individuals who have either a political or financial stake in the outcome of ongoing cases, often without disclosing such ties to judicial participants. But there are also troubling connections between this jurisprudential push and interests aligned with or connected to China, including overlapping streams of funding and ties to academia. Consciously or not, this is an instance of ELI pushing for unilateral American disarmament in energy security and industrial production.

This report maps how ELI's divergent Chinese and American strategies operate, with the dual-track approach ultimately benefiting China twice. ELI's influence strategies include programming for American judges; entrenched ties to China and the CCP; staff and affiliate networks at ELI and CJP; law firms that turn its theories into legal action and serve as intermediaries; and philanthropic networks that bankroll an asymmetry that benefits a foreign adversary at the expense of American energy independence and industrial strength.

KEY FINDING: ELI has engaged in a sustained effort to influence U.S. courts toward imposing drastic reductions in American emissions through climate litigation, while simultaneously helping Chinese institutions develop legal frameworks that shield Beijing from analogous pressure—even as China's emissions soar.

KEY FINDINGS

- ELI publicly claims its mission is to advance global cooperation on climate policy. In practice, it has engaged in a sustained effort to influence U.S. courts toward imposing drastic reductions in American emissions through climate litigation, while simultaneously helping Chinese institutions develop legal frameworks that shield Beijing from analogous pressure.
- ELI trains both American and Chinese judges and officials on the same alarmist climate policy framework, but channels that framework schizophrenically. On the one hand, ELI supports aggressive private litigation in the United States. On the other hand, ELI promotes regulatory and international frameworks that in practical effect cannot be enforced against Chinese companies, are ignored by the Chinese, and that create asymmetry between American and Chinese obligations.

- Elite American law firms lend ELI's China initiatives the prestige and credibility of the Western legal establishment. Latham & Watkins proposed and organized the ELI working group that briefs Chinese regulators on U.S. environmental law and policy. WilmerHale and Arnold & Porter are also deeply intertwined with ELI leadership and programming. Through their ties to ELI, these firms expand their foothold in the Chinese market and promote their environmental and ESG expertise. In exchange, Chinese state-affiliated partners gain strategic insights into American climate policy that they exploit for geopolitical gain.
- ELI's Climate Judiciary Project (CJP) has trained more than 2,000 U.S. judges on climate science and law through "custom-design[ed] education programs for judges" that, among other things, embrace "attribution science," a controversial field of climate research that purports to evaluate how supposedly human-caused climate change and individual emissions sources influence specific weather events — for the purpose of tying legal liability for specific climate events to American energy companies. CJP further conditions judges to accept legal frameworks that would enable litigants to force sharp reductions in emissions through lawsuits against energy producers, without any corresponding Chinese obligations and in the face of a Chinese judiciary that is under the thumb of the CCP, which is mission-determined to undermine U.S. energy security and industrial interests.
- In January 2026, the House Judiciary Committee opened a formal investigation to determine whether ELI and CJP were improperly predisposing federal judges to rule in favor of climate plaintiffs — potentially in coordination with the plaintiffs' lawyers actively litigating those cases. Chinese jurists would never have the freedom to embrace such theories that would undermine Chinese industrial development, irrespective of whatever influence ELI sought to achieve in China.
- Through programs like the China International Business Dialogue on Environmental Governance (CIBDEG), ELI has explicitly provided policy analysis and regulatory "best practices" to the Chinese government, effectively providing the communist regime with competitive intelligence on how to diminish U.S. energy independence and industrial development, and, at the same time, actively shaping environmental and governance policy in America that would require constraints on domestic energy and industrial production.
- ELI has worked with universities and partners in China that U.S. authorities have directly linked to Chinese military research, intelligence activities, and influence operations.
- ELI's leadership has actively argued against treating China as a national security threat, despite U.S. government warnings to the contrary. Whether ELI likes it or not, China is designated as a foreign adversary, and, as an institution that receives special tax-exempt status from the federal government, it is concerning to see ELI stake out this position in strategic opposition to the American government which grants its tax-exempt status and has awarded it millions in taxpayer dollars.

- ELI is funded by a network of organizations with significant financial ties to China. Several of the same funders simultaneously bankroll Sher Edling LLP, the primary plaintiffs' firm behind more than two dozen climate-related suits in the very courts where ELI is training judges. While nonprofits should receive broad First Amendment protection, nonprofit funding and foreign influence connections that generate national security concerns demand scrutiny.
- The climate frameworks ELI promotes to American judges serve China's strategic interests: constraining U.S. energy and industrial production while allowing China — the world's largest emitter — to keep growing its emissions until at least 2030. The international agreements that ELI leaders have touted have the same effect.
- ELI's three decades of engagement in China have produced no measurable reduction in Chinese emissions or any binding Chinese commitments. Since 2018, when ELI launched CJP at home and expanded its working group with Chinese regulators, China's annual CO_2 emissions have grown steadily and now exceed those of all developed nations combined.

BACKGROUND: ELI AND THE CLIMATE JUDICIARY PROJECT

The Environmental Law Institute (ELI) originated in September 1969, following a national conference on environmental law held in Virginia. Lawyers, practitioners, and educators assembled to discuss the then-emerging field of environmental law. The primary proposal to emerge from this conference was the creation of the *Environmental Law Reporter*, a monthly publication designed to collect, track, and analyze environmental statutes, regulations, and court decisions. The Ford Foundation provided initial funding to formally establish ELI and launch the publication.

ELI's publicly stated mission is "to foster innovative, just, and practical law and policy solutions to enable leaders across borders and sectors to make environmental, economic, and social progress." In pursuit of this objective, ELI has expanded far beyond its origins as a legal publisher. The organization touts its role in "creat[ing] practical, implementable laws and policies," citing its involvement in writing ocean management regulations and rebuilding forestry legal frameworks around the world.

A central pillar of ELI's modern operational mission is training judges on environmental law. According to the organization, since 1990 it has provided training and resources to over 3,000 judges across 28 countries. More than 2,000 of the judges trained by the ELI are American judges.

In 2018, ELI launched an unprecedented initiative aimed directly at the American bench: the Climate Judiciary Project (CJP). Coordinated alongside the Federal Judicial Center (FJC) and the American Association for the Advancement of Science (AAAS), CJP ostensibly was established to meet a growing judicial demand for technical education on climate science.

CJP's publicly stated goal is to provide "neutral, objective information to the judiciary about the science of climate change as it is understood by the expert scientific community and relevant to current and future litigation." ELI insists that CJP "does not participate in litigation, support or coordinate with any parties related to any litigation, or advise judges on how they should rule."

The project's curriculum, operations, and personnel undermine that claim. CJP functions as a structured pipeline to make judges more receptive to climate litigation, not a neutral educational service. Indeed, CJP intentionally "target[s]" judges in states "where cases were being brought." CJP's leaders then push judges not only to attend events, but also to enlist other colleagues. This is particularly true in CJP's Judicial Leaders in Climate Science (JLCS) program, which was launched in late 2021 in collaboration with the National Judicial College (NJC). JLCS judges are required to "commit" to a year-long curriculum that includes in-person, multi-day conferences and invest time in building the climate-science capacity of their state judiciaries through mandatory "action plans." These "action plans" often involve planning presentations by CJP-approved academics at state judicial conferences, with CJP itself creating the presentation materials.

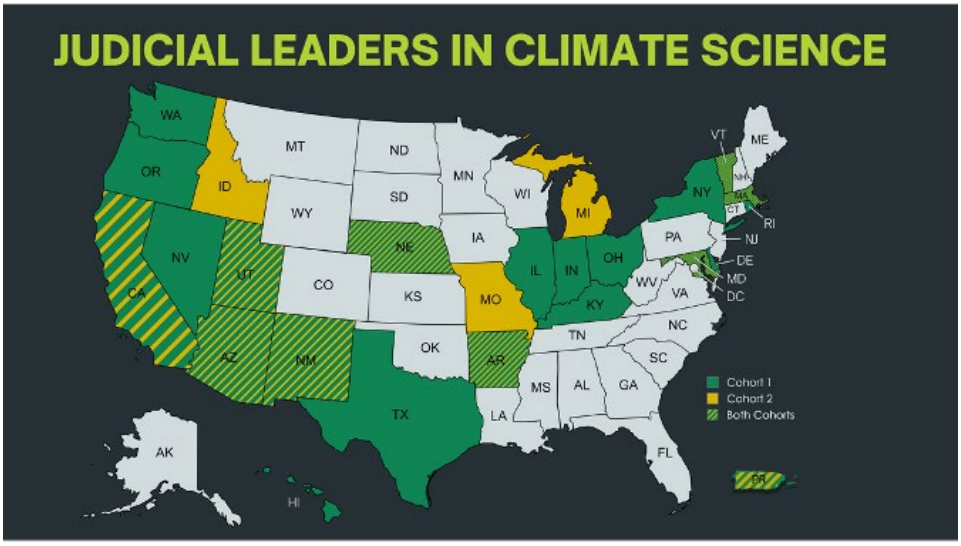
CJP materials expressly call for judicial activism and legal "adaptation," and teach judges how to "frame" climate change discussions and influence colleagues who may be "opposed to action on climate change." For example, CJP provided judges with a "case study" called "The Reluctant Judge (Model the Way)," which asks judges to evaluate "what went wrong" in a hypothetical scenario where a judge failed to "prepare [her] court for climate litigation" by convincing her colleague that judges are not "constrained in deciding cases on the basis of existing law" and should instead "think[] about the range of possible remedies" and the "seriousness of climate change."

CJP materials also include lesson plans that have nothing to do with substantive law or legal education, and instead focus on psychological manipulation tactics, such as "Power and Influence," "Resistance to Change," dealing with "implicit bias," how to "influence someone's behavior," understanding the "Emotional Part of People," and others. Notably, many of these lesson plans are produced not by climate scientists or attorneys, but by Nevada-based "communication consultant" Kelly Tait and "mindfulness" and yoga instructor Yvonne Stedham.

While CJP claims a purely educational mission, it operates as a direct complement to the litigation strategies of firms like Sher Edling, priming judges to be receptive to novel and aggressive climate-nuisance theories. Indeed, many of the judges that CJP targets for participation in its programs are from jurisdictions where Sher Edling is or was litigating against energy companies. Specifically, Sher Edling has represented:

- **11 States and Territories:** Massachusetts, California, Delaware, Hawaii, Maine, Michigan, Minnesota, Rhode Island, New Jersey, Washington, D.C., and Puerto Rico;
- **2 Tribal Nations:** Shoalwater Bay Indian Tribe and Makah Indian Tribe;
- **11 Cities:** Annapolis, Charleston, Chicago, Baltimore, Richmond, Santa Cruz, Imperial Beach, San Francisco, Oakland, Honolulu, and New York;
- **5 Counties:** Maui, Anne Arundel, Santa Cruz, San Mateo, and Marin; and
- **1 Organization:** Pacific Coast Federation of Fishermen's Associations;

The jurisdictions where these plaintiffs have brought climate litigation against energy companies are heavily—and intentionally—represented in CJP's activities:



Moreover, most of CJP's substantive materials are created by scholars who have called for liability for oil and gas companies, such as Douglas Kysar, who has called the oil and gas industry "diabolical." In one presentation, CJP includes materials saying that "Exxon knew," and elsewhere, materials conclude that "88 companies cause 50% of acidification."

During a June 2022 webinar, CJP presented a slide entitled, "Attribution Science ➛ Legal Causation." The presentation instructed judges on "source attribution," defined as "the relative contribution of a given source, such as one fossil fuel company, in increasing global climate change." One article CJP shared with judges suggests that so-called "[a]ttribution science could support a determination that a corporation . . . breached their duty of care to avoid foreseeable harm." And a judge told a CJP presenter, "Attribution is such an important part of proving the causal chain in a case—thank you for explaining it!"

Ultimately, CJP does not provide neutral educational materials. Rather, it lays out a roadmap for plaintiffs' lawyers, and teaches it to the very judges who will rule on their cases. This is entirely intentional: CJP's "Advisory Committee," which has included UCLA professor and Sher Edling consultant **Ann Carlson**, has stated that its goal is to "improve the framing of the concepts" and "best push participants' thinking" due to its ideological belief that "educat[ing]" this "influential audience" is "of vital importance to the future of humanity and the planet." Numerous other CJP advisors and presenters are aligned with Sher Edling and climate litigation plaintiffs as expert witnesses or amicus brief signatories, including **Kerry Emanuel, Rob DeConto, Donald Wuebbles, Patrick Parenteau, Michael Oppenheimer, Robin Kundis Craig**, and at least ten other academics and activists.

CJP presently is under congressional scrutiny. In January 2026, Chairmen Jim Jordan and Darrell Issa opened a House Judiciary Committee investigation into whether ELI and CJP were improperly influencing federal judges. The Committee cited reports suggesting CJP materials may bias judges in favor of plaintiffs in climate-related cases, raised concerns about possible coordination with litigating attorneys, and noted the program's limited transparency.

Separately, in February 2026, the FJC withdrew the climate chapter from its *Reference Manual on Scientific Evidence*—the manual judges nationwide consult on subjects outside their expertise. Legal experts had criticized the chapter for relying on CJP-aligned authors, including **Jessica Wentz**, an environmental-law advocate whose inclusion appeared to "blur the line between neutrally educating judges and indoctrinating them with left-wing advocates' prose." The withdrawal is fairly read as a tacit concession that the chapter failed to meet the manual's standards of neutrality.

ELI'S ALLIANCE WITH CHINA

THE CHINA PROGRAM

For nearly three decades, ELI has maintained a deeply entrenched operational footprint within China, a designated foreign adversary. Under the banner of "improv[ing] environmental rule of law," ELI's China Program provides technical assistance, capacity building, and legal training to Chinese NGOs, judges, and environmental regulators. A close examination reveals an extensive network of partnerships with institutions directly linked to the Chinese Communist Party (CCP), its intelligence apparatus, and its military-industrial complex.

ELI itself states that "since the mid-1990s" it has "understood the critical role that China, and its 1.4 billion people, has in global environmental protection." The China Program has held capacity-building workshops, high-level roundtables, seminars, and panel discussions on Chinese policy issues, trained lawyers on environmental-justice issues, and published articles and books on sustainability and environmental management in China.

Chinese security laws create enormous risk with this kind of collaboration. As one example, under China's 2017 National Intelligence Law, all Chinese organizations and citizens are required to "support, assist, and cooperate" with state intelligence operations when called upon, and to keep such cooperation secret. Every Chinese institution ELI works with—universities, regulators, NGOs, law firms—operates under that legal compulsion. Sensitive information shared with any of these partners is, by Chinese statute, available to Chinese intelligence on demand. The 2017 National Intelligence law is but one piece of a mosaic of Chinese laws enacted under Xi Jinping that have made China a hyper-securitized state where both domestic and international interactions are bound to the Chinese Communist Party's geopolitical interests and strategies.

ELI's collaboration with Chinese jurists is equally troubling. The Chinese governance system explicitly rejects Western-style separation of powers and judicial independence, with CCP leadership over the judiciary. The problems created through a lack of separation of powers are compounded by the fact that the Party places itself in power above the Chinese government, with the purpose of the government being to secure Party interests. China's Political and Legal Affairs Commission aligns judicial work with the CCP's broader political, social, and economic goals, and the Commission regularly manages or reviews sensitive, politically significant cases. In addition, every Chinese court houses an "Adjudication Committee" composed of the court's president, vice president, and senior judges, who are routinely high-ranking CCP members, and the Committee has power to review and have final say over judicial decisions in major or complex cases. These and other structures obliterate any notion that collaboration with Chinese jurists will lead to judgments about climate that are independent of CCP security and economic objectives. Indeed, internal ELI guidelines do not support funding Chinese litigation.



Screenshot: ELI's "Contact Us — China Program" page, listing Zhuoshi Liu (Director), John Pendergrass (VP), and Carl Bruch (Director, International Programs) (source: eli.org)

WORK WITH CCP-CONTROLLED INSTITUTIONS

ELI's China Program functions as a collaborative apparatus embedded within the Chinese regulatory state. The China Program attempts to exert influence on organizations including the China Environmental Protection Foundation (CEPF), the Policy Research Center for Environment and Economy (PRCEE), and the China International Business Dialogue on Environmental Governance (CIBDEG). These are institutions under the supervision and control of the CCP.

China Environmental Protection Foundation (CEPF): Since January 2018, ELI's China Program has worked with the CEPF, the first Chinese "public-funding foundation dedicated to environmental protection in China," founded in 1993. Through this partnership, ELI has organized nine workshops at Chinese universities, several of which the United States has flagged for links to Chinese military and intelligence.

Policy Research Center for Environment and Economy (PRCEE): ELI works with PRCEE, an institution directly affiliated with China's Ministry of Ecology and Environment, whose stated mission is to "offer policy support for the [CCP's] macro decision-making and management over environmental protection." ELI itself praises PRCEE as "a leading Chinese environmental think tank." ELI's work with PRCEE focuses on comparative studies to assist the Chinese government with air and water pollutant control permitting.

China International Business Dialogue on Environmental Governance (CIBDEG): CIBDEG is an operational nexus where an American environmental nonprofit, elite corporate law firms, and the CCP's regulatory apparatus converge. Established as a working group under ELI, CIBDEG was created in direct partnership with PRCEE.

The architectural force behind CIBDEG is the multinational law firm **Latham & Watkins**, which proposed and organized the initiative. Latham and ELI partnered with **JunHe LLP** to execute it. JunHe, it should be noted, has an active CCP party cell, and has at least three partners who work in the coordinating bodies of the Chinese People's Political Consultative Conference (CPPCC), the agency that guides all CCP political warfare and explicitly trains lawyers to serve the Party.

CIBDEG's stated mission is two-fold and reads like a grey zone intelligence operation against Western governments: it provides the Chinese government with detailed analysis of environmental regulations in the United States and Europe, and conveys the strategic concerns of multinational companies operating within China.

CIBDEG has been celebrated by the corporate legal establishment, winning the "Innovation in Collaboration" award at the 2019 Financial Times European Innovative Lawyers Awards. Its substantive output, however, tracks Beijing's preferred narrative about climate rather than scrutinizing the world's most prolific emitter. But, in addition to being a propaganda tool for the Chinese, this kind of forum provides the CCP with precisely the kinds of information and competitive intelligence about U.S. energy and industrial interests that can help a foreign adversary identify and exploit security vulnerabilities.

> **CIBDEG MISSION STATEMENT:** "CIBDEG's mission is to provide information and analysis to the Chinese government relating to current industry best practices for achieving high levels of environmental performance, the current landscape and practice of environmental regulations in the United States and Europe, and the concerns of multinational companies conducting business in China." — ELI Press Release, 2019

ELI Events Featuring CCP Officials and Judges

In 2023, ELI hosted a webinar on climate-change governance for judges from southwest China. The seminar featured Judge Sun Qian, a senior judge of China's Supreme People's Court, who used the ELI platform to outline President Xi Jinping's national carbon strategy. ELI provided an American educational platform on which a CCP official promoted Chinese state policy.



Screenshot: ELI's 2023 China seminar title slide — the ELI logo appears alongside CCP judicial officials (source: YouTube)

> **JUDGE SUN QIAN ON ELI'S PLATFORM (2023):** "I would like to take the opportunity to share with you what we have endeavored to achieve in the past few years of the Central Committee of the Communist Party and State Council ... the implementation of the national strategy for carbon strategies." — Supreme People's Court Judge Sun Qian, ELI Webinar, March 2023 (on ELI's own YouTube channel)

The same seminar also featured Bie Tao, Director of the Department of Laws, Regulations and Standards of the Ministry of Ecology and Environment, and Huang Cheng, Deputy Chief Judge of the Chongqing Higher People's Court. The recording remains publicly available on ELI's own YouTube channel.

Other CCP-adjacent events hosted by ELI include: the 2016 Annual Award Dinner, at which ELI honored Henry Paulson for his work to "forge an enduring U.S.-China relationship"; a 2016 event on the "Circular Economy" that featured a panel with Qian Xiaoyan, then-First Secretary of the Chinese Embassy to the United States; and a 2017 program where China's Supreme People's Procuratorate invited then-ELI President Scott Fulton to Xiamen, China to "train Chinese prosecutors" on their role in "environmental governance."

ELI Relationship with ClientEarth

FOIA documents show that ELI has relied on ClientEarth, a European environmental advocacy group with a deeply entrenched footprint in Beijing. ClientEarth has collaborated with China's Ministry of Ecology and Environment and has publicly supported the environmental framework of the Belt and Road Initiative—the sprawling global infrastructure project U.S. intelligence has identified as a vector for Chinese military and economic expansion.

For ELI, ClientEarth has served as a back-channel mechanism. By leveraging ClientEarth's established, CCP-approved network, ELI secured the attendance of elite Chinese judges—including those from the Supreme People's Court and the Supreme People's Procuratorate—at its seminars and training programs.

In late 2019, then-ELI President Scott Fulton issued an internal order to scrub ClientEarth's name from public conference materials, sponsorship lists, and promotional documents. Fulton justified the instruction by citing ClientEarth's aggressive "advocacy profile" and the political "sensitivities" surrounding its operations.



Screenshot: ELI event — "View From the Bench: Strengthening Environmental Governance in China's Courts" (August 2012, co-sponsored by ELI; source: eli.org)



Screenshot: ELI event — "Advancing the Rule of Law to Protect China's Environment" (January 2008; source: eli.org)

ELI'S PARTNERSHIPS WITH CCP-LINKED UNIVERSITIES

TIANJIN UNIVERSITY — ON U.S. EXPORT RESTRICTIONS LIST

From January to May 2018, ELI co-organized five workshops at Tianjin University Law School in Beijing, training 265 Chinese environmental NGO workers, judges, prosecutors, and attorneys from 26 provinces. These workshops were funded in part by the Hewlett Foundation.

Tianjin University was later added to the U.S. Commerce Department's Entity List for its involvement in a "trade secret theft scheme to steal technology with military applications from U.S. companies." Tianjin University's own Office of Science and Technology acknowledges its cooperation with China's Industry for National Defense and PLA Equipment Bureau.

TIANJIN UNIVERSITY, A CCP INFLUENCE APPARATUS: Tianjin University Party Committee Member Zhang Junyan serves simultaneously as Minister of the United Front Work Department (UFWD) at the university. UFWD is the CCP's primary worldwide influence and intelligence-operations apparatus. President Xi Jinping has referred to the UFWD as the CCP's "magic weapon."

WUHAN UNIVERSITY — LINKED TO CHINESE MILITARY AND INTELLIGENCE

Until recently, ELI partnered with Wuhan University's Research Institute of Environmental Law to publish a quarterly "China Update," providing analysis of Chinese environmental law for international lawyers, managers, and policymakers.

The chairmen of two House committees have characterized Wuhan University as "not an ordinary academic institution" but "a direct extension of the Chinese military and intelligence apparatus." The university operates multiple national defense research laboratories, trains PLA cyber warfare specialists, and plays a "central role" in China's Beidou satellite system, which supports missile guidance and military intelligence operations.

SHANGHAI JIAO TONG UNIVERSITY —HUB FOR CHINA'S DEFENSE PROGRAMS

ELI partnered with the NYU-Shanghai Jiao Tong University (SJTU) Center for Chinese and American Legal Studies and the Shanghai People's Publishing House to translate and publish ELI materials into Chinese.

According to the House Select Committee on the CCP, SJTU is a key CCP university because "military-academic integration enables Shanghai Jiao Tong to make significant contributions to the PRC's most sensitive defense programs, including nuclear weapons, carrier rockets, satellites, nuclear submarines, and fighter jets." SJTU hosts PRC talent recruitment programs that often

require recipients to "declare allegiance to the CCP and act in the Regime's interests." *See* House Select Committee on the CCP, Press Release.

RENMIN UNIVERSITY

From October 2018 to January 2019, ELI co-organized three environmental public interest litigation workshops hosted by Renmin University Law School in Beijing. The workshops featured presentations by Chinese experts from China's Ministry of Ecology and Environment, Supreme People's Court, and Supreme People's Procuratorate.

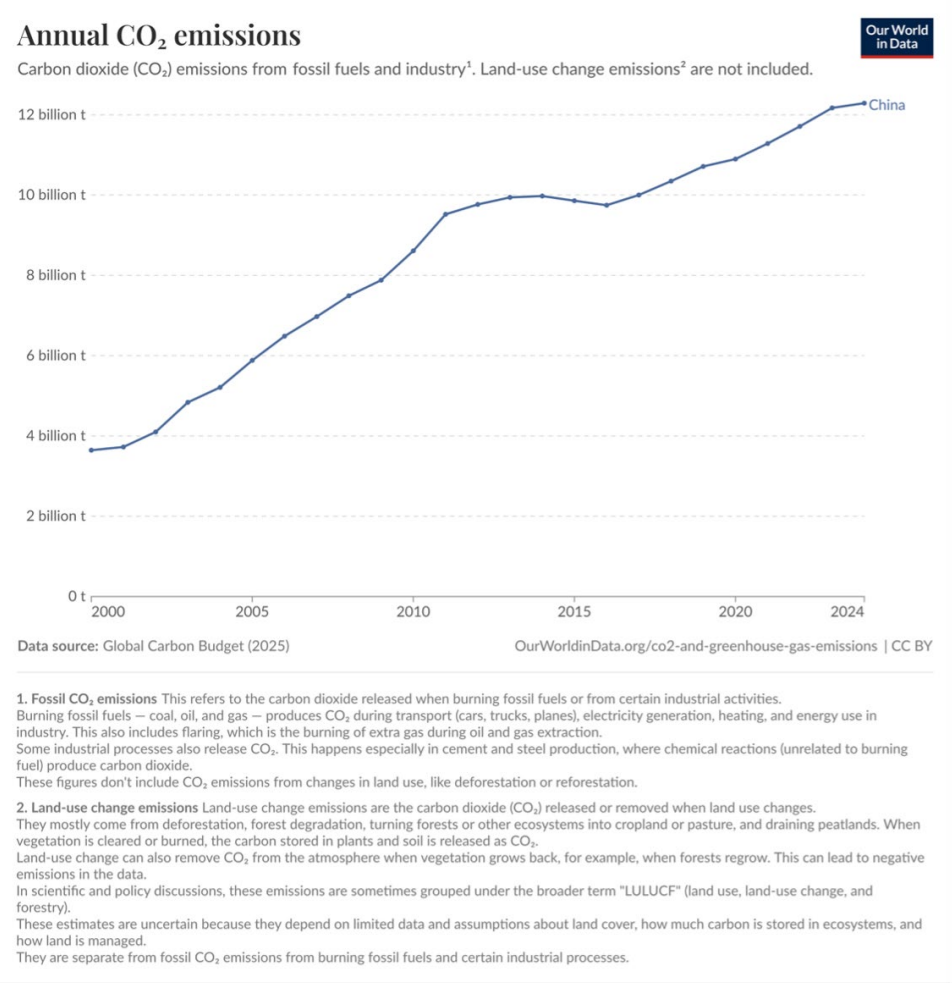
ELI'S ALLIANCE HAS FAILED: NO REDUCED CHINESE EMISSIONS

The test of any engagement strategy is its measurable result. By that standard, ELI's three decades of one-sided arrangements with Beijing have failed.

At the start of ELI's engagement with Chinese officials, China's annual carbon dioxide emissions stood at roughly 3.7 billion tonnes. By 2014, when organizations affiliated with ELI leadership publicly celebrated the U.S.-China climate accord as a "landmark deal," that figure had nearly tripled. Today, China emits more than 12 billion tonnes of CO_2 annually—more than the United States, the European Union, Japan, and the United Kingdom combined. Even during the global economic slowdown of 2020, China's net greenhouse gas emissions grew by 1.7 percent while almost all other major economies' emissions declined sharply.

ELI cannot identify a single binding Chinese commitment, regulatory enforcement action, or judicial ruling that has measurably constrained this trajectory. Instead, its efforts have produced hundreds of trained Chinese judges, dozens of joint workshops, multiple jointly authored publications praising China's "rapid strides" in environmental governance, and a working group that has handed Beijing detailed analyses of how American environmental regulation operates.

While American courts increasingly entertain attribution-based claims against U.S. producers—claims developed and legitimized through ELI's judicial-education pipeline—Chinese state-owned emitters operate with the regulatory blessing of a system ELI helped design. The chart below tracks China's annual CO_2 output from 2000 to 2024, across the period in which ELI has claimed to be shaping Chinese environmental policy.



Rather than curtail its CO_2 emissions consistent with ELI's climate policy goals, the Chinese government not only consistently increases emissions, it engages in deception and sleight of hand to mask the true extent of its domestic energy production and industrial emissions. Reports recently surfaced that China cooked the books on its "carbon intensity" metrics (which track the amount of carbon emitted per dollar of gross domestic product) by cherry-picking the data and omitting emissions from its booming chemical production and plastics manufacturing sectors. So even as China has become the undisputed top global emitter, emissions data might understate the degree of China's emissions.

ELI turns a blind eye to these misrepresentations, accepting China's hollow rhetoric on climate policy at face value even while President Xi Jinping states that carbon goals shouldn't come at the expense of energy and food security or the "normal life" of Chinese people.

ELI'S ASYMMETRIC CLIMATE STRATEGY

ONE CLIMATE FRAMEWORK, TWO LEGAL STRATEGIES

ELI delivers the same underlying climate-policy premises to both Washington and Beijing: that emissions must be cut sharply, that attribution of harm to specific emitters is scientifically supportable, and that legal systems should operationalize that attribution to impose penalties. What differs is the mechanism of implementation. The same premises, channeled through opposite legal mechanisms, produce predictable results: U.S. energy producers and users face mounting litigation risk; Chinese state-owned enterprises face none.

The U.S. Playbook: Lawfare

In the United States, ELI channels these premises into private litigation. Through CJP and JLCS, it trains state and federal judges on "attribution science" specifically to help trial lawyers clear the *Daubert* standard governing the admissibility of expert scientific testimony. *See* Fed. R. Evid. 702; *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993). The objective is to make "public nuisance" lawsuits brought on behalf of municipalities against domestic energy producers viable in courts that would otherwise treat the underlying causal theory as speculative. This strategy bypasses Congress to enact a de facto carbon tax through litigation, aimed squarely at constraining the American energy and industrial sectors.

The China Playbook: The Regulatory Fortress

In China, ELI abandons the lawfare model. The organization adheres to an internal guideline guaranteeing that its project funding will not directly support litigation in China. Rather than training Chinese judges to penalize the world's largest emitter, ELI helps the CCP optimize its authoritarian legal system.

Through working groups like the China International Business Dialogue on Environmental Governance (CIBDEG), ELI briefs Beijing on American regulatory frameworks. By handing the CCP the blueprint of the American administrative state, ELI helps China build a regulatory architecture in which the state—not private plaintiffs—decides which Chinese firms face consequences and which do not. The structure is designed to be wielded by the state, not against its state-run industries.

Furthermore, understanding the blueprint and direction of the American administrative state and climate policies benefits China's industrial planning. China dominates climate technologies such as solar and batteries and weaponizes other countries' dependence by inserting kill switches into Chinese climate technologies sold around the world. Knowing the direction of American climate policy allows China to dominate in emerging technologies America will depend upon.

The Asymmetry of Legal Partners

The contrast in legal partnerships is also illuminating. In the United States, ELI's orbit includes Sher Edling LLP, a plaintiffs' firm whose business model centers on suing American energy producers under novel public-nuisance theories. In China, ELI's principal law firm affiliate is JunHe LLP, whose partners sit on the Chinese People's Political Consultative Conference and whose public materials describe its mission as serving the Chinese Communist Party. ELI works with adversarial counsel at home and state-aligned counsel abroad.

ELI is not pushing a universal climate standard. It exports a regulatory shield to the Chinese Communist Party while domesticating a legal sword against the United States. Every climate ruling shaped by ELI's judicial education in the United States advances Chinese strategic and economic interests at the direct expense of American energy independence.

THE ASYMMETRIC CLIMATE DEAL

Asymmetry between its treatment of American and Chinese interests has been a feature of ELI's posture for more than a decade. In 2014, Climate Central, an organization run by Paul Hanle, the founder and co-leader of CJP and a former Obama administration advisor, publicly championed a joint climate commitment between President Barack Obama and Chinese President Xi Jinping, lauding it as a "landmark deal" that would limit global carbon emissions.

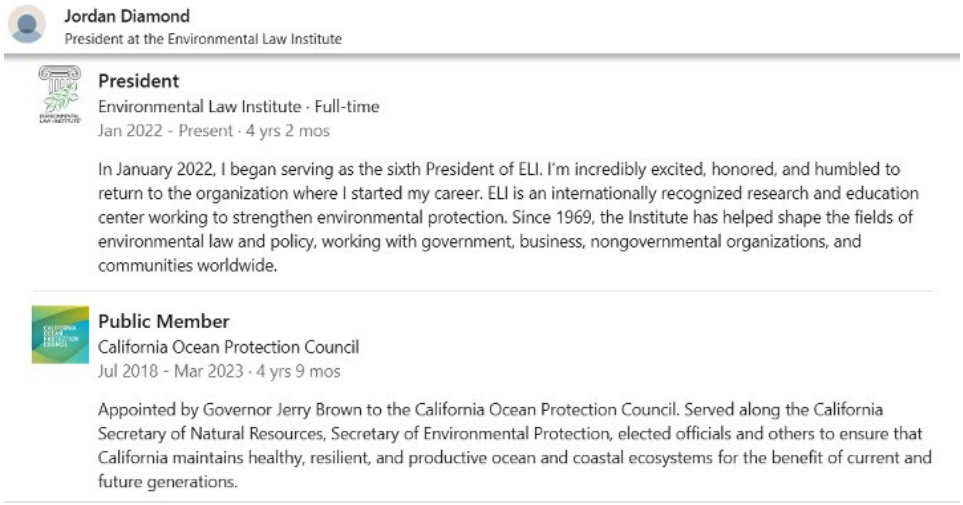
The details exposed a profound lack of reciprocity. Under the 2014 agreement, the United States bound itself to slash carbon emissions by 26-28 percent below 2005 levels by the year 2025—a doubling of previous American commitments. China merely stated that its emissions would "peak by 2030" and pledged to increase its use of clean energy to around 20 percent by that same year. The United States agreed to immediately gut its own industrial capacity. China—a nation that had already far surpassed the U.S. in global emissions—was granted a free pass to continue increasing its carbon emissions for another sixteen years. Furthermore, China's pledge to transition to so-called "clean energy" aligns with China's geopolitical strategy to induce dependence on Chinese energy technologies so that China can exercise operational authority over Western energy grids, as has been documented by U.S. security analysts.

ELI LEADERSHIP ARGUES AGAINST TREATING CHINA AS A SECURITY THREAT

The pattern of preference for Chinese interests continues at the leadership level. ELI Board Member Alex Wang co-authored a 2022 study that argued against treating cooperation with China on clean technology as a national security or economic risk, despite contemporaneous U.S. government warnings to the contrary. Wang was previously the Beijing-based founding director of the Natural Resources Defense Council's China Environmental Law & Governance Project. He recently authored a book entitled "Chinese Global Environmentalism," which "examines China's embrace of green development on the global stage." Wang has also participated in panel discussions on U.S.-China climate cooperation alongside the vice president of Energy Foundation China (EFC), a CCP-supervised nonprofit currently under congressional scrutiny for potential

violations of the Foreign Agents Registration Act, 22 U.S.C. §§ 611–621. In 2023, Wang and fellow UCLA professor and ELI affiliate Ann Carlson co-led a training on U.S. climate policy for a cohort of Chinese diplomats. This program was funded by a grant from EFC to UCLA, which UCLA accepted despite internal discussions surrounding the "heightened interest in some types of 'services' UCLA could provide to Chinese government recipients."

ELI President Jordan Diamond helped launch the California-China Climate Institute, which facilitates seven active memoranda of understanding between California and China on climate policy, in partnership with Xie Zhenhua, China's top climate official and a former vice chair of China's principal economic planning agency.



Screenshot: ELI President Jordan Diamond's LinkedIn profile confirming her role since January 2022 (source: linkedin.com)

ELI's influence in California illustrates the consequences of its push to constrain the American energy and industrial sectors. California has implemented the climate regulation and litigation model that ELI promotes, and the results have jeopardized national security by undermining critical supply chains.

California's refining base is collapsing: Phillips 66 idled its Los Angeles-area refinery in late 2025 and Valero plans to close its Benicia plant in 2026, erasing roughly 285,000 barrels per day—17 percent of California's capacity—within a 12-month period. That contraction in supply directly affects the more than thirty U.S. military installations throughout California that rely on California refineries for fuel production. Lawmakers and analysts have warned that the closures will cut jet-fuel output by more than 600,000 gallons per day. The Department of War is the largest institutional consumer of petroleum in the world, and the supply chain feeding its West Coast operations is thinning by the month.

As domestic capacity disappears, the nation must turn to foreign suppliers. West Coast refiners already depend on Middle Eastern crude oil imports, because the region produces little of its own oil and lacks pipeline access to North American supply. California's dwindling refining capacity is already deepening U.S. reliance on Asian imports for finished fuel. In 2025, nearly a third of

California's jet fuel came from South Korea. Both supply lines (crude oil and finished fuel) run by sea, through chokepoints vulnerable to foreign disruption. And California is a template, not an exception: other states adopt its stringent emissions standards under Section 177 of the Clean Air Act, its climate-nuisance litigation has spread to municipalities nationwide, and ELI teaches the same causation theories to judges across the country. What ELI's network incubates in California ultimately spreads to the rest of the United States, trading domestic energy capacity and military resilience for dependence on distant, severable supply chains, while China, the world's largest carbon emitter, faces no comparable constraint.

THE LEGAL ENGINE

ELI does not execute its asymmetric climate strategy in a vacuum. It relies on a specialized network of law firms and academic institutions that operationalize the strategy on both the Chinese and American sides. The network plays a dual role: it builds the legal architecture that protects Chinese state interests while executing the domestic lawfare that constrains the American energy sector in U.S. courts.

THE ARCHITECTURE IN BEIJING: LATHAM & WATKINS AND JUNHE LLP

Latham & Watkins anchors ELI's institutional presence in China. The firm proposed and organized the China International Business Dialogue on Environmental Governance (CIBDEG), the ELI working group that convenes multinational businesses, elite law firms, and the Chinese Communist Party's environmental regulators—alongside ELI and the Policy Research Center for Environment and Economy (PRCEE)—a think tank formally affiliated with China's Ministry of Ecology and Environment.

Latham has been deeply involved in ELI's governance for decades. The firm is a dues-paying institutional member of ELI, and numerous Latham attorneys have held advisory roles at ELI. In 2000, ELI elected retired Los Angeles-based Latham partner Robert A. Wyman, Jr. to its Board of Directors. Retired London partner Paul Davies, recognized by Chinese regulators as a "world-class authority," previously sat on the board, as did at least four other retired partners: Robert M. Sussman, who also served on ELI's Leadership Council and continues to write blog posts for ELI; William K. Rawson, who also co-authored a handbook published by ELI; David J. Hayes, who served two terms on ELI's board from 1989-1995, including as chairman; and Lucinda Starrett, the former global chair of Latham's Project Siting & Approvals Practice. Current partner Janice Schneider and retired partner James Barrett both served on ELI's Leadership Council. Latham has also partnered with ELI on webinars and conferences, including an "Environmental Justice Litigation" webinar series from 2021 to 2022.

To execute CIBDEG's mission, ELI and Latham partnered with **JunHe LLP**, one of the first private partnership law firms in China. Multiple JunHe partners belong to the CPPCC. The firm's self-described status as "a pioneer in ESG legal practice in China" must be understood in that context. With offices in Hong Kong, New York, Silicon Valley, and Seattle, JunHe operationalizes Xi Jinping's mandate to "deepen international cooperation" on climate issues.

In 2024, JunHe hosted an event titled "Being a Good Lawyer Who Satisfies the Party and the People," attended by CCP officials and members of the National People's Congress and the Chinese People's Political Consultative Conference (CPPCC)—the Party's principal platform for united front work combining political warfare, espionage, and co-option of non-party members. The collaboration has drawn establishment acclaim. In 2019, ELI, Latham & Watkins, and the

CCP-affiliated PRCEE jointly won the Financial Times' European Innovative Lawyers Award for their CIBDEG work.

The substantive output of the ELI-Latham-JunHe collaboration reads as Beijing would write it. In April 2018, Zhuoshi Liu—the former Director of ELI's China Program—co-authored an article with JunHe representatives and Paul Davies of Latham praising China for making "rapid strides in developing a robust, modern environmental regulatory system." The article did not address China's status as the world's largest emitter.

THE LEGITIMIZATION: THE SABIN CENTER FOR CLIMATE CHANGE LAW

ELI's domestic judicial conditioning requires an intellectual foundation robust enough to survive scrutiny in federal and state courtrooms. The Sabin Center for Climate Change Law at Columbia Law School supplies that foundation.

The Sabin Center was founded and is directed by Michael Gerrard, who served two separate tenures on ELI's Board of Directors. The Center's core contribution is the mainstreaming of "attribution science"—the same body of work ELI teaches to American judges. The Sabin Center produces the peer-reviewed scholarship that lends attribution-based causation the appearance of scientific consensus required to clear the *Daubert* admissibility standard.

The Sabin Center's output flows directly into CJP. Sabin Center senior fellow Jessica Wentz serves as a featured CJP expert and was cited in the FJC's *Reference Manual on Scientific Evidence*—the citation that prompted criticism and contributed to the FJC's February 2026 decision to withdraw the climate chapter. Michael Burger, the Sabin Center's executive director, has presented at ELI events while simultaneously filing amicus briefs on behalf of the Sabin Center supporting plaintiffs in active climate-nuisance litigation and serving as counsel for municipal climate plaintiffs including the City of Honolulu through his role as of counsel at Sher Edling LLP.

In short, the Sabin Center constructs the theoretical scaffolding that ELI's training programs deliver to the bench.

THE ACTIVIST LAWYERS: SHER EDLING LLP

Sher Edling is a San Francisco-based firm established in 2016 to represent states, cities, public agencies, and businesses in what it describes as "high-impact, high-value environmental cases." The firm has served as lead counsel in climate-nuisance lawsuits on behalf of more than two dozen state and municipal jurisdictions including Honolulu, Minnesota, New Jersey, New York City, and San Francisco. It stands to earn upwards of a billion dollars in contingency fee payouts if these lawsuits succeed.

Sher Edling and ELI receive funding from an overlapping network of progressive foundations. Both receive support from the MacArthur Foundation and the William and Flora Hewlett Foundation. Between 2017 and 2022, the Resources Legacy Fund and the New Venture Fund funneled more than $10.8 million to the firm to support its climate-nuisance litigation. In addition,

the Freedom Together Foundation donated $3 million to CJP from 2021 to 2022 and committed $5.6 million from 2023 to 2024 to a fund that has paid over $16 million to Sher Edling to litigate climate cases.

The operational and personal ties run even deeper. Sher Edling lawyers have worked with ELI to help develop the curriculum and seminar materials used to educate judges. The organizations have hired the same staff: former Sher Edling lawyer **Meredith Wilensky** subsequently served as an ELI Public Interest Law Fellow. **Michael Burger**, the executive director of the Sabin Center and of counsel at Sher Edling, has presented at ELI events while simultaneously filing amicus briefs on behalf of the Sabin Center supporting plaintiffs in active climate-nuisance litigation and serving as counsel for municipal climate plaintiffs including the City of Honolulu alongside his Sher Edling colleagues.

The collaboration is best exemplified by **Ann Carlson**, who served on ELI's Board of Directors from 2016 to 2020 while simultaneously consulting for Sher Edling on cases against oil companies. During that period, Carlson and her UCLA law students provided Sher Edling with legal assistance. Carlson also worked alongside philanthropist **Dan Emmett** in 2017 to raise money for Sher Edling's efforts to sue oil companies. Emmett's foundation subsequently donated $25,000 to ELI.

The asymmetry of ELI's approach to climate litigation pervades Sher Edling's docket. The firm sues American energy producers aggressively. But it has not filed a single action against Chinese state-owned giants like CNPC, despite those entities ranking among the world's largest corporate emitters. The firm litigates ELI's climate theory exclusively against pillars of the American economy.

The domestic legal architecture is perfectly calibrated. The Sabin Center manufactures the theories. ELI conditions the judges. Firms like Sher Edling file the cases. Each node can claim institutional separation. Together, they function as a single pipeline for developing and imposing a climate regime that furthers Chinese interests at America's expense.

THE DEFENSE-SIDE ARCHITECTURE: WILMERHALE AND ARNOLD & PORTER

WilmerHale

Two sitting members of ELI's Board of Directors are WilmerHale alumni, including its Board Chair, Robert Kirsch. Kirsch retired in 2018 from WilmerHale, where he led the firm's national environmental practice. Partner Peggy Otum, who co-chairs WilmerHale's Energy, Environment, and Natural Resources Practice Group, joined the ELI board in October 2018 (then as a partner at Arnold & Porter). The firm itself is an institutional dues-paying ELI member and a recurring participant in ELI's Women in Environmental Law and Leadership (WELL) programming—including a July 2022 panel featuring WilmerHale counsel Shannon Morrissey, who serves on the steering committee for ELI's WELL program. ELI published the transcript of

the event in the December 2022 issue of its flagship journal, the *Environmental Law Reporter*. WilmerHale also hosted a 2022 ELI seminar in its San Francisco office (moderated by Shannon Morrissey and featuring California Attorney General Rob Bonta) and a 2023 ELI seminar in its Washington, D.C. office (moderated by Peggy Otum).

WilmerHale's China practice gave the firm sustained operational access to the Chinese regulatory state for two decades. From its 2004 opening until its October 2024 closure announcement, the firm's Beijing office was led by Lester Ross—author of two of the earliest English-language books on Chinese environmental law, former visiting scholar at the Chinese Research Academy of Environmental Sciences (an institute affiliated with China's Ministry of Ecology and Environment), and longtime Vice Chair, General Counsel, and Policy Committee Chair of AmCham China. Ross has described his AmCham role as involving "private diplomacy with the Chinese and U.S. Governments," and the University of Michigan's Lieberthal-Rogel Center for Chinese Studies credits him with having "pioneered the field of Chinese environmental policy and law" and has noted he has "even been called upon to help create certain Chinese laws." WilmerHale continues to market a Washington-based "China Desk" led by Ross (now senior counsel) and Partner Neena Shenai.

Despite its close partnership with ELI, WilmerHale currently represents ConocoPhillips, one of the energy companies facing lawsuits under the climate theories ELI advances.

Arnold & Porter

Arnold & Porter is one of the most influential private-sector institutional affiliates in the ELI ecosystem. Two partners from the firm—Ethan Shenkman and Stacey Halliday—sit on the ELI Board of Directors. Former partner-in-charge of the firm's New York office, Michael Gerrard, is the founder and director of the Sabin Center for Climate Change Law and a former ELI executive committee member and current Leadership Council member. Former Arnold & Porter environmental practice chair Brian Israel is also on the Leadership Council. CJP Director Helene Krasnoff began her legal career as an Arnold & Porter associate. Senior associate Emily Orler served as a recurring instructor for the ELI Boot Camp on "The Energy Transition and Environmental Law" from 2022 to 2025. Arnold & Porter attorneys at every seniority level staff ELI's boards and continuing education programming, and the firm has hosted ELI's Eastern Boot Camp at its Washington, D.C. office, sponsored ELI's Greentech Conference, and co-facilitated ELI's webinar curriculum (including Stacey Halliday's November 2025 two-part series on Extended Producer Responsibility).

Arnold & Porter has partnered with ELI and its allies on numerous publications and initiatives. In 2019, ELI published Gerrard's 1,100-page volume, *Legal Pathways to Deep Decarbonization in the United States*, which laid the policy blueprint for the Renewable Energy Legal Defense Initiative, jointly launched by Arnold & Porter and the Sabin Center in the same year to provide pro bono litigation support for renewable energy projects. Arnold & Porter and the Sabin Center also jointly operate the U.S. Climate Change Litigation Database, created in 2007 as a reference resource tracking climate litigation cases nationwide. ELI's Climate and Energy Program page also

notes that "[i]n partnership with Arnold & Porter, ELI convened a series of expert working group meetings to advise Israeli NGO Adam Teva V'Din on designing" Israel's binding climate law—an NGO whose U.S. fundraising arm (Friends of Israel's Environment)'s board includes former Arnold & Porter partner and current ELI Leadership Council member, Brian Israel. Like WilmerHale, Arnold & Porter is also a dues-paying institutional member of ELI.

All of this proceeds alongside Arnold & Porter's role as defense counsel for BP in "over 30 novel climate change lawsuits" filed by state and local governments.

THE FUNDING ARCHITECTURE FOR ELI'S CLIMATE STRATEGY: FOREIGN ALIGNED

ELI's campaign to influence the American judiciary is not a grassroots initiative. In addition to receiving millions in federal funding, ELI is bankrolled by a sprawling dark money network that seamlessly connects Western philanthropy with Chinese state interests. The pattern is consistent: Many of the foundations paying to shutter the American energy sector through domestic litigation are simultaneously financing entities aligned with the Chinese government.

THE CLOSED-LOOP LAWFARE PIPELINE

Domestically, ELI's lawfare is fueled by major progressive foundations. In 2024 alone, ELI received $1.25 million from the New Venture Fund, alongside hundreds of thousands in recent years from Waverley Street and ClimateWorks. Meanwhile, from 2021 to 2022, CJP received $3 million from the Freedom Together Foundation, which has also paid more than $5.6 million to a fund supporting Sher Edling—the plaintiffs' firm prosecuting climate-nuisance cases in the courts where ELI is training judges. CJP has also received $750,000 from the Hewlett Foundation, which has separately donated $150,000 to pay Sher Edling's legal fees. Similarly, the New Venture Fund and Resources Legacy Fund directed more than $10.8 million to Sher Edling. In short, several philanthropic funders support both the attorneys bringing climate litigation and the nonprofit providing judicial training, creating a subsidized pipeline that bypasses democratic rulemaking to impose a climate agenda that endangers American energy independence.

FUNDERS WITH TIES TO CHINA

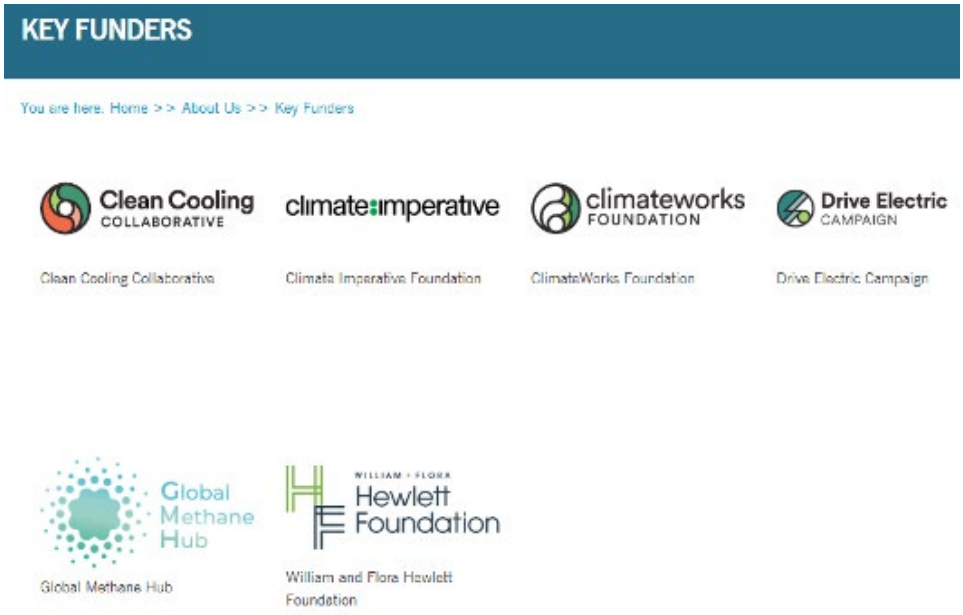
Ford Foundation — Seeded ELI and Funds China's Belt and Road Initiative

The Ford Foundation provided the initial funding to establish ELI in 1969. More recently, the Ford Foundation has reportedly contributed nearly $10 million since 2020 to entities supporting China's Belt and Road Initiative, which analysts have described as an "unsettling extension of China's rising power" and a potential "Trojan horse" for Chinese military expansion.

Hewlett Foundation — Key Funder of Both ELI and Energy Foundation China

As noted above, the Hewlett Foundation has made significant donations to ELI. In 2024, ELI received $250,000 from the foundation to support CJP. In 2020, ELI received $500,000 from Hewlett for CJP, plus $200,000 to develop the environmental-law system in China. Hewlett is also identified by Energy Foundation China (EFC) as a "key funder." EFC is a CCP-supervised nonprofit under congressional scrutiny for co-opting American climate activism to undermine U.S. energy independence. In addition, Hewlett has repeatedly made large grants to other entities tied to the CCP, including Peking University. Thus, not only is the Hewlett Foundation supporting Sher

Edling while simultaneously funding CJP and ELI, it is also funding entities integral to the CCP's efforts to undermine the U.S. energy system.



Screenshot: Energy Foundation China's "Key Funders" page — listing the Hewlett Foundation and ClimateWorks Foundation, both of which also fund ELI's CJP (source: efchina.org)

Hewlett also funded ELI's 2018 workshops at Tianjin University, which was later placed on the Commerce Department's Entity List for technology theft with military applications.

ClimateWorks Foundation — A Channel to Beijing

In 2022, ELI received more than $987,000 from ClimateWorks. In 2017, ClimateWorks provided $1.6 million to the Energy Foundation specifically to support Energy Foundation China. ClimateWorks itself has received extensive foreign funding, including $147 million from the Quadrature Climate Foundation, a British hedge-fund philanthropic vehicle aimed at steering global climate lobbying. ClimateWorks also lists as its "funding partners" numerous plaintiff-aligned NGOs, including others mentioned in this report, such as the MacArthur Foundation and the Hewlett Foundation.

Natural Resources Defense Council

In 2024, ELI received $15,000 from the Natural Resources Defense Council (NRDC). The NRDC has faced sustained scrutiny over its ties to the Chinese government. Its sole non-U.S. office is in Beijing and is supervised by the Chinese National Forestry and Grassland Administration. In 2018, congressional leaders suggested NRDC may be required to register as a foreign agent under FARA because of its China ties.

Oak Foundation — Foreign Money Funding the Asymmetry

The Switzerland-based Oak Foundation, founded by British billionaire Alan M. Parker, exemplifies how foreign charitable dollars finance both sides of ELI's asymmetric strategy. While contributing hundreds of thousands to an American nonprofit that trains U.S. judges to apply "attribution science" against the domestic energy sector, the Oak Foundation has concurrently channeled millions to Chinese-aligned entities facilitating Chinese expansionism and associated with significant projected increases in global carbon emissions.

The Oak Foundation has provided $650,000 directly to ELI to support CJP (House Committee on Ways and Means Testimony, 2026). The same foundation has been described as a "key player within climate philanthropy."

Simultaneously, the Oak Foundation has invested heavily in Chinese state-aligned projects. From 2014 through 2023, the Oak Foundation dedicated at least $37 million to projects located in China or directly working with Chinese institutions. Since 2016, the Oak Foundation has provided more than $2.85 million in direct support of the Belt and Road Initiative, including $662,640 to the Beijing-based Global Environmental Institute to "guide the 'One Belt, One Road' Initiative in a green and sustainable direction," $1 million to ClimateWorks to "support the Greening of the Belt and Road Initiative," and $695,772 to the World Wildlife Fund for the same BRI-greening purpose.

FEDERAL GOVERNMENT FUNDING

Along with progressive dark money and foreign dollars, ELI receives numerous federal grants and contracts, which constitute a meaningful share of ELI's overall funding. In fiscal years 2023 and 2024, ELI received more than $2.86 million in federal grants and contracts, drawn from at least six agencies—the Environmental Protection Agency (EPA), the National Science Foundation, the Department of Commerce, the Department of State, the Department of Homeland Security, and the U.S. Agency for International Development. The EPA supplied the largest portion, accounting for $637,591 of ELI's $937,354 in federal grant receipts in 2024. Federal grants and contracts represented roughly 18% of ELI's operating revenue in 2024 and roughly 22% in 2023.

A CAUTIONARY PARALLEL: THE MORENS INDICTMENT AND ELI'S LEGAL EXPOSURE

The legal and regulatory environment for American institutions engaged in sensitive cooperation with Chinese entities has shifted. A recent federal indictment related to Covid underscores how professional collaboration with Chinese entities can become the subject of criminal scrutiny.

On April 28, 2026, the Department of Justice indicted Dr. David Morens, a senior adviser to former NIAID Director Anthony Fauci, on charges of conspiracy against the United States, falsification of federal records, and concealment of documents. According to the indictment, Morens and alleged co-conspirators routed official communications through personal Gmail accounts to evade Freedom of Information Act requests, discussed strategies for avoiding public scrutiny of certain Covid-related matters, and worked to restore a controversial research grant to EcoHealth Alliance, which had directed United States taxpayer funds to the Wuhan Institute of Virology. Acting Attorney General Todd Blanche described the alleged conduct as "a profound abuse of trust at a time when the American people needed it most."

The Morens indictment is instructive beyond the Covid context. It illustrates how institutional comfort with sensitive relationships involving Chinese entities—even when framed as legitimate scientific or policy cooperation—can become a serious legal and political liability. According to prosecutors, Morens treated his coordination with Chinese-linked institutions as routine and professionally acceptable. Federal investigators and a grand jury reached a different conclusion.

ELI is not accused of any crime, and its activities differ in some respects from the conduct alleged in the Morens indictment. The structural parallels nevertheless warrant attention.

ELI operates a working group, CIBDEG, whose published mission statement commits the project to providing "information and analysis to the Chinese government." ELI won a *Financial Times* award for that work and issued a celebratory press release. That conduct does not prove an intention to build an information channel to a foreign adversary, but it does suggest that ELI had grown sufficiently comfortable with its China partnerships that it no longer asked whose interests the work served.

Morens was reportedly well-regarded within his institution. Prosecutors argue that the apparent normalcy of his conduct reflected institutional standards that had become compromised over time. ELI's record raises analogous concerns. The Institute permitted a senior judge of China's Supreme People's Court to use its platform to promote President Xi Jinping's national carbon strategy and later posted the recording to its public YouTube channel. It trained Chinese judges and prosecutors alongside American federal judges. And it conducted workshops within Chinese universities that the United States government subsequently placed on the Commerce Department's Entity List because of their ties to Chinese military programs. These concerns only scratch the surface of ELI's operations that run directly counter to American strategic interests and in favor of Chinese interests.

THE FARA QUESTION

The regulatory comparison raises an additional legal question. The Foreign Agents Registration Act (FARA) requires registration by persons or entities that engage in specified activities within the United States on behalf of a "foreign principal," including a foreign government. 22 U.S.C. §§ 611(b), 612(a). FARA provides an exemption for activities "in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts," 22 U.S.C. § 613(e), but the Department of Justice has interpreted that exemption narrowly where the foreign principal is a substantial beneficiary of the work performed. *See, e.g.*, U.S. Dep't of Justice, FARA Advisory Op. (June 12, 2023).

CIBDEG could face scrutiny under FARA. By its own description, the working group exists to benefit a foreign government through the provision of policy analysis and regulatory intelligence. ELI co-hosts events with China's Ministry of Ecology and Environment. ELI partners with Chinese law firms whose senior personnel sit on the Chinese People's Political Consultative Conference. A for-profit entity arranging the same activities would be assessing its FARA registration obligations, not its eligibility for journalism awards. Whether ELI's educational framing is sufficient to sustain the academic exemption for conduct that includes joint programming with CCP officials and the provision of regulatory analysis to Chinese ministries is a question that deserves a serious answer.

That question is now before policymakers. Congress has begun moving to narrow nonprofit FARA exemptions for organizations with operational ties to countries of concern. The Department of Justice has demonstrated, in the Morens case and others, that it is actively examining how American institutions have been used as conduits for Chinese influence. The House Judiciary Committee has already opened an investigation into whether ELI and the Climate Judiciary Project improperly influenced federal judges.

CONCLUSION

THE ARCHITECTURE OF ASYMMETRIC SUBVERSION

The architecture of modern climate lawfare depends on the appearance of institutional neutrality. The same has always been true for Chinese Communist Party "united front" influence operations. For decades, ELI cultivated a public image of independent environmental cooperation. Its operations reveal something different: an organization whose work systematically advances the strategic interests of the Chinese Communist Party at the direct expense of American energy independence.

The Closed-Loop Lawfare Pipeline

Domestically, ELI's operations create a subsidized pipeline that bypasses the democratic process to enact a de facto carbon tax through litigation. The pipeline begins at Columbia Law School's Sabin Center, which produces the "attribution science" scholarship claiming the capability to causally trace global emissions to specific American corporations. The work flows into ELI's CJP, which has trained more than 2,000 U.S. judges in that framework. Once primed, those judges hear cases brought by boutique firms like Sher Edling LLP, which sue domestic energy producers while turning a blind eye to Chinese state-owned giants like the China National Petroleum Corporation, which rank among the world's largest corporate emitters.

The Regulatory Fortress and Shadow Diplomacy

While building a legal sword for use against U.S. producers, ELI exports a regulatory shield to Beijing. ELI partners with elite law firms like Latham & Watkins and the CCP-aligned JunHe LLP to brief the Chinese government on Western regulatory best practices as if running a grey zone intelligence operation. Functionally, ELI helps the CCP build an authoritarian system in which the state decides which Chinese firms face consequences and which do not. This work occurs within a legal environment in which Chinese partners are statutorily compelled to cooperate with state intelligence upon request. ELI has not avoided that environment; it has embraced it, partnering with institutions like Wuhan University—characterized by congressional leaders as an extension of the Chinese military—and allowing CCP judges to broadcast President Xi Jinping's carbon strategy from ELI's own platforms. Even worse, ELI provides a veneer of legitimacy and climate stewardship to the single least deserving global regime.

The Financial Architecture

The strategy is bankrolled by an international dark money network that simultaneously funds ELI's domestic judicial conditioning and Chinese state-aligned operations. The Hewlett Foundation funneled $500,000 into CJP while serving as a "key funder" of Energy Foundation China, the CCP-supervised entity now under congressional scrutiny for potential FARA violations. The Oak

Foundation provided $650,000 to ELI's judicial project while directing millions into entities facilitating the Belt and Road Initiative. The same dollars constraining the American energy and industrial sectors are financing the geopolitical infrastructure of the People's Republic. ELI has also received millions in federal funding, collecting government money to advance an agenda that undermines American supply chains and national security.

The Fruits of ELI's Asymmetric Approach

The pattern is consistent across every dimension of ELI's operations. In the United States, ELI conditions the judiciary, equips plaintiffs' firms with novel legal theories, and channels foundation dollars into litigation designed to force drastic reductions in domestic energy output and industrial production. In China, ELI platforms CCP officials at its own events, partners with universities tied to the People's Liberation Army, and collaborates with politically connected law firms to help Beijing build the regulatory infrastructure that protects Chinese state-owned emitters from analogous pressure. One nation's energy sector is being prosecuted; the other's is being professionalized and legitimized. Both efforts bear ELI's signature.

The results are staggering. Since ELI began its "collaboration," China's emissions soared from 3.7 billion to over 12 billion tonnes annually, with recent investigations pointing to the possibility that 12 billion tonnes is an intentional Chinese understatement. China has absorbed American legal expertise, optimized its regulatory state, gathered extensive intelligence on Western governments, and yielded zero environmental concessions. The frameworks ELI promotes demand U.S. deindustrialization while offering China a runway to expand its emissions without mitigation until at least 2030. Every domestic energy and industrial project stalled by ELI-backed litigation translates to a geopolitical victory for Beijing.

The Legal Horizon

Federal investigators are probing how American institutions have been deployed as agents for Chinese influence, and the Department of Justice has demonstrated its willingness to pursue criminal charges where coordinating with Chinese-linked entities involves concealment or evasion of disclosure obligations. ELI is not accused of any crime. But the Institute's published record as a conduit of Chinese influence by co-hosting events with Chinese ministries, providing policy analysis to Beijing through CIBDEG, partnering with law firms whose principals serve on CCP advisory bodies, and platforming senior CCP officials before American audiences presents a fact pattern that warrants serious regulatory scrutiny under the Foreign Agents Registration Act, 22 U.S.C. §§ 611–621, and the disclosure standards Congress is now moving to tighten.

APPENDIX

ELI LEADERSHIP AND PERSONNEL

ELI's ideological and operational trajectory has been shaped by a network of high-profile insiders and legal experts who are active participants in domestic climate litigation and have deep ties to U.S.-China climate institutions.

PAST ELI LEADERSHIP

- **C. Scott Fulton** served as ELI's fifth President from 2015 through 2021. Fulton is a former high-ranking official at the U.S. Environmental Protection Agency. He previously served as President Emeritus and International Envoy, and currently acts as a Visiting Scholar for the Institute. After a federal judge made headlines for criticizing ELI in 2019, Fulton coordinated with other judges, including Hawaii Supreme Court Justice Michael Wilson, on damage-control. Fulton also worked to keep ELI's partnership with China-linked entities "under the radar" to get more participation from U.S. judges.
- **Ann Carlson**, a leading scholar of climate change law at UCLA's Emmett Institute on Climate Change & the Environment, served on the ELI Board of Directors from 2016 to 2020—the period during which CJP was launched (Carlson also served on the CJP Advisory Committee). Carlson simultaneously consulted for Sher Edling LLP on climate-nuisance litigation against oil companies, worked to secure funding for climate litigation, and encouraged potential plaintiffs to file climate cases. She recently served in the Biden-Harris administration as the Acting Administrator of the National Highway Traffic Safety Administration. In 2023, Carlson co-led a training on U.S. climate policy for a cohort of Chinese diplomats.
- **Michael Gerrard**, a former two-time Board Member (2008–2010 and 2011–2013), founded and directs the Sabin Center for Climate Change Law at Columbia Law School and spent three decades as a leading environmental litigator at Arnold & Porter. He anchors much of the climate-litigation field's infrastructure: he serves as lead investigator of the Sabin Center / Arnold & Porter Climate Change Litigation Database, the field's primary case tracker; he edits its leading treatise, *Global Climate Change and U.S. Law*; and he has authored analyses of how nuisance suits against fossil-fuel companies might be litigated. The Sabin Center he runs routinely files amicus briefs supporting plaintiffs in climate cases, and Gerrard himself co-authored its 2023 climate-and-human-rights submission to the Inter-American Court of Human Rights.

PRESENT ELI LEADERSHIP

- **Jordan Diamond:** Diamond assumed the presidency of ELI in 2022. She previously served as Executive Director of UC Berkeley's Center for Law, Energy & the Environment, where she helped launch the California-China Climate Institute.
- **Robert Kirsch:** Kirsch is the current ELI Board Chair. He retired in 2018 from WilmerHale, where he directed the firm's national environmental practice.
- **Alex Wang:** Wang is an ELI Board Member and UCLA Law Professor. He previously worked as a senior attorney in the Beijing office of the Natural Resources Defense Council and is an active advocate for U.S.-China climate cooperation. In 2023, Wang co-led a training on US climate policy for a cohort of Chinese diplomats.
- **John Pendergrass:** Pendergrass is a Senior Advisor and former Senior Vice President of ELI. He has stated that ELI "custom-designs education programs for judges" to further their environmental education.

CJP LEADERSHIP AND STAFF

- **Paul Hanle (Founder & Co-Lead):** CJP was founded by Dr. Paul Hanle, a former Obama administration advisor. Hanle has publicly advocated for legal frameworks that attribute specific extreme-weather events directly to corporate emitters. He previously served as President and CEO of Climate Central, which praised the 2014 U.S.-China climate agreement as a "landmark deal." Hanle regularly communicates with CJP and JLCS judges and was responsible for recruiting and coordinating the efforts of the CJP Advisory Committee and faculty. He also presented at CJP and JLCS trainings.
- **Sandra Thiam (Co-Lead):** Thiam serves as ELI's Vice President for Research and Policy and Director of Judicial Education. She has a deep background in international climate issues and has participated in stakeholder events featuring Chinese state officials. Thiam was a key presenter and organizer for the early CJP and JLCS trainings.
- **Helene Krasnoff (Director):** Krasnoff currently directs CJP. Before joining ELI, Krasnoff spent more than two decades at Planned Parenthood and served as an associate at Arnold & Porter, a firm with deep experience representing entities doing business in China.
- **Jessica Wentz & Inez Fung (The "Experts"):** Wentz, a non-resident senior fellow at the Sabin Center for Climate Change Law, was cited in the FJC's *Reference Manual on Scientific Evidence*—a controversial move criticized by legal experts as blurring the line between neutral education and left-wing advocacy. Fung is a University of California-Berkeley professor and former contributor to the UN's Intergovernmental Panel on Climate Change (IPCC).

- **Jared Mummert & John Doherty (Staff):** Former CJP Manager Jared Mummert stated in an October 2023 email that CJP actively seeks to "track the judges we interact with," and was tasked with assisting JLCS judges with damage control after Fox News published a 2025 story on leaked emails from the private "CliSciLeaders" listserv. Science and Policy Analyst John Doherty distributes federal climate assessments directly to judges, encouraging them to "learn more about your part of the country."

CJP INSTRUCTORS & AFFILIATES

- **Kerry Emanuel:** Emanuel, an MIT atmospheric scientist, presents for CJP on "Hurricanes and Modeling" while serving as a plaintiff's expert in Puerto Rico litigation alleging hurricane-related harms. His CJP presentation urges judges to "embrace advanced physical modeling techniques for assessing climate risks," and notes that expert witnesses—himself among them—"will increasingly rely on physical modeling as evidence of current and future climate risk."

- **Rob DeConto:** DeConto, a University of Massachusetts climate scientist and plaintiff's expert in climate litigation, appeared alongside Hawaii Chief Justice Mark E. Recktenwald in a 2023 webinar entitled "Rising Seas and Litigation: What Judges Need to Know About Warming-Driven Sea-Level Rise." Correspondence from Chief Justice Recktenwald's law clerk addressed the *Daubert* standard governing expert scientific testimony and tied it directly to "the testimony you are giving in the climate cases you are involved in."

- **Donald Wuebbles:** Wuebbles, professor emeritus at the University of Illinois, presents for CJP and served as an expert for climate plaintiffs in California in March 2018.

- **Patrick Parenteau:** Parenteau, professor emeritus at Vermont Law School, sits on CJP's "expert" faculty and co-authored its module entitled "Judicial Remedies for Climate Disruption: A Preliminary Analysis." He has openly tied himself to the litigation he helps teach judges about: In 2018 he disclosed that he had been advising plaintiffs' counsel in climate suits brought by San Mateo County, and news reports place him in "an informal advisory group that supports some of [the] cases."

- **Michael Oppenheimer:** Oppenheimer, a professor at Princeton University's Center for Policy Research on Energy and the Environment, served on CJP's Advisory Committee. He has joined amicus briefs supporting plaintiffs in climate change cases and was among those invited to participate in the 2012 La Jolla Conference, a gathering widely credited with shaping the legal strategy behind climate-liability suits.

- **Robin Kundis Craig:** Craig, a professor at the University of Kansas School of Law, authored CJP's module entitled "Procedural Techniques Available for Climate Litigation." She has joined multiple amicus briefs supporting plaintiffs in climate cases, including one for the plaintiffs in *Juliana v. United States*.

- **Kristie Ebi:** Ebi, a professor at the University of Washington's Center for Health and the Global Environment, served on CJP's Advisory Committee. She joined a 2019 public health amicus brief supporting the Juliana plaintiffs before the Ninth Circuit and has consulted with the Center for Climate Integrity, an organization that backs climate litigation.